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FM AMEMBASSY ATHENS  
TO RUEHC/SECSTATE WASHDC 1415  
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE  
RUEHAST/USO ALMATY 0008  
RUEHAE/AMEMBASSY ASMARA 0075  
RUEHEK/AMEMBASSY BISHKEK 0073  
RUEHCH/AMEMBASSY CHISINAU 0236  
RUEHIL/AMEMBASSY ISLAMABAD 0627  
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E.O. 12958: N/A

TAGS: PHUM KCRM KWMN SMIG KFRD PREL PREF ELAB GR  
SUBJECT: GREECE TIP REPORT SUBMISSION 2008 - PART 3

REF: State 2731

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Sensitive but Unclassified -- Protect Accordingly.

1. (SBU) Below are Embassy Athens' responses to the 2008 TIP report questionnaire. Text is keyed to Ref A request for "Investigation and Prosecution" Section. This is the third of four cables.

2. (SBU) INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

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For questions A-D, posts should highlight in particular whether or not the country has enacted any new legislation since the last TIP report.

-- A. Does the country have a law specifically prohibiting trafficking in persons--both for sexual and non-sexual purposes (e.g. forced labor)? If so, please specifically cite the name of the law and its date of enactment and provide the exact language of the law prohibiting TIP and all other law(s) used to prosecute TIP cases. Does the law(s) cover both internal and external (transnational) forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud or coercion? Are these other laws being used in trafficking cases? Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes, (e.g., civil forfeiture laws and laws against illegal debt).

Greek law 3064/2002 signed in October 2002 and Presidential Decree 233/2003 specifically prohibit trafficking in persons for sex or labor inside or outside Greek territory, and are considered by NGO legal experts to be model pieces of anti-trafficking legislation.

In 2005, the Parliament passed a new Immigration Law (3386/2005), which, among general immigration provisions, also provides for central issuance and renewal of residence permits for TIP victims with no fee, special care for minor victims, and a one month reflection period, which can be extended for minors. Excerpts of the relevant articles are available in English for review.

The Law on Organized Crime (2928/2001), which applies to TIP cases when an organized network is involved in the trafficking, governs investigative capabilities of law enforcement and provides for witness protection.

In 2004, the MOJ amended certain provisions of Presidential Decree 233/2003. The amended Presidential Decree guarantees victim benefits from the provisions on protection, support and assistance, as well as requires that NGOs be accredited to offer assistance during screening procedures and victim support. The Ministry of Interior's 2004 amendments to the Presidential Decree to allow foreign victims of trafficking a combined residence and work permit and to exempt victims from paying a deposit for the permits were included in the 2005 Immigration Law. Other laws on pimping, illegal prostitution, violence, rape, exploitation, and coercion have been used in the past to combat TIP and are sufficient to cover the full scope of trafficking.

The Law on Organized Crime (Law 2928/2001), the Anti-trafficking legislation (Law 3064/2002), Presidential Decree 233/2003, Article 323 B of the Penal Code and the Immigration framework (Law 3386/2005) constitute many pages of single-spaced documents and are not included here for purposes of brevity. If requested, poloff can send the documents by e-mail.

-- B. What are the prescribed penalties for trafficking people for sexual exploitation? What penalties were imposed for persons convicted of sexual exploitation over the reporting period? Please note the number of convicted sex traffickers who received suspended sentences and the number who received only a fine as punishment.

Penalties for trafficking in people for sexual or labor exploitation vary, but include incarceration for up to ten years and a fine of

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10,000 to 50,000 euros. Offenders who exploit minors, exploit employees, or cause serious Physical injury to victims face a minimum ten year imprisonment and fine of 50,000 to 100,000 euros.

Traffickers who kill their victims face life imprisonment. Because felony trials usually require at least 5-6 years to fully make their way through the appeals process, there has not yet been a fully appealed conviction under the 2002 anti-trafficking law. There are numerous ongoing trials.

The Greek government was unable to provide statistics indicating which convicted defendants were released on suspended sentences versus those who served a full sentence. The judicial record keeping system (which is not computerized) only lists the number of persons convicted for trafficking who are still incarcerated and is accurate up to the year 2006. At the end of 2006, there were no incarcerated convicted traffickers.

-- C. Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor and involuntary servitude? Do the government's laws provide for criminal punishment -- i.e. jail time -- for labor recruiters in labor source countries who engage in recruitment of laborers using knowingly fraudulent or deceptive offers that result in workers being trafficked in the destination country? Are there laws in destination countries punishing employers or labor agents in labor destination countries who confiscate workers' passports or travel documents, switch contracts without the worker's consent as a means to keep the worker in a state of service, or withhold payment of salaries as means of keeping the worker in a state of service? If law(s) prescribe criminal punishments for these offenses, what are the actual punishments imposed on persons convicted of these offenses? Please note the number of convicted labor traffickers who received suspended sentences and the number who received only a fine as punishment.

-- Greek law does not discriminate on the grounds for trafficking and the anti-trafficking laws cover both trafficking for sexual purposes as well as trafficking for labor. Both carry the potential for criminal liability including incarceration. The MFA reports that 11 labor trafficking investigations were begun in 2007, the results of which are not available.

-- D. What are the prescribed penalties for rape or forcible sexual assault? How do they compare to the prescribed penalties for crimes of trafficking for commercial sexual exploitation?

Penalties for rape and forcible sexual assault vary depending on the circumstances surrounding the crime and the damage to the victim, but range from five years to life imprisonment. The penalties compare appropriately to those for sex trafficking.

-- E. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized?

Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in many countries with federalist systems, prostitution laws may be covered by state, local, and provincial authorities.

Prostitution and brothel ownership are legal and regulated by the state. However, NGOs and press reports allege that virtually none of the brothels in Athens have valid licenses and, for a variety of reasons, including not wanting to create a red-light district within the city, neither the GoG nor the City of Athens has effectively addressed these unlicensed facilities or unlicensed prostitutes or enforced a law that prohibits such uses within a certain distance of a school or church. In Thessaloniki, there is a greater percentage of licensed brothels. Prostitutes must register at the local prefecture and carry a medical card that is updated every two weeks. The minimum age is 18 (according to Article 6 of law 1193/81). Most prostitution in Greece that occurs is illegal, that is, the

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prostitutes are not licensed by the state - and they work through newspaper ads, private operators, in bars, or in strip clubs.

-- F. Has the government prosecuted any cases against human trafficking offenders? If so, provide numbers of investigations, prosecutions, convictions, and sentences served, including details on plea bargains and fines, if relevant and available. Please indicate which laws were used to investigate, prosecute, convict, and sentence traffickers. Also, if possible, please disaggregate by type of TIP (labor vs. commercial sexual exploitation) and victims (children, as defined by U.S. and international law as under 18 years of age, vs. adults). Does the government in a labor source country criminally prosecute labor recruiters who recruit laborers using knowingly fraudulent or deceptive offers or impose on recruited laborers inappropriately high or illegal fees or commissions that create a debt bondage condition for the laborer? Does the government in a labor destination country criminally prosecute employers or labor agents who confiscate workers' passports/travel documents, switch contracts or terms of employment without the worker's consent, use physical or sexual abuse or the threat of such abuse to keep workers in a state of service, or withhold payment of salaries as a means to keep workers in a state of service? Are the traffickers serving the time sentenced? If not, why not? Please indicate whether the government can provide this information, and if not, why not?

The Ministry of Public Order reported that in 2007, there were 41 cases of trafficking investigated by law enforcement authorities; 29 cases of sexual exploitation and 11 cases of labor exploitation and one illegal adoption. 17 were committed by organized crime networks. 121 perpetrators were arrested and charged with different charges including articles 323A (Trafficking in Persons) and 351 (Trade in Human Beings for Sexual Exploitation) of the anti-trafficking law (3064/2002).

Of the 121: 4 were from Albania, 26 from Bulgaria, 48 from Greece, 2 from Kazakhstan, 2 from Lithuania, 2 from Moldova, 7 from the Ukraine, 18 from Romania and 12 from Russia

The Ministry of Justice reported that trafficking cases had the following developments in 2007:

-- 48 prosecutions were set in motion, 17 of which were by the Athens' Prosecutor's Office.

--121 first and second-degree rulings were issued. Of these, 110 rulings were guilty and 11 were not-guilty. 160 defendants were covered by the guilty rulings and 16 by the not guilty rulings. (Note: the discrepancy in the number of charges versus the number of defendants is due to the possibility in Greece that a single ruling covers multiple defendants.) As regards sentencing, Greece does not have computerized judicial records and there is no central depository of such information about trafficking cases (or any other subject for that matter). For these reasons we are unable to provide data on which convicted defendants are serving sentences and which are not.

Under Greek law, each conviction can be appealed at least one time and defendants can also go to the Supreme Court for a second appeal.

The conviction will not be final until appeals are completed. NGOs point out that on some occasions, traffickers who were convicted in their first trial and potentially face long prison sentences are admitted to bail during the pendency of the appellate-level trial. One such example is the case of a convicted trafficker from the municipality of Drama, who remains free having only served six months and despite an original sentence of 13 years in 2005. However this is not always the case. In April 2006, the Felony Appeals Court of Athens sentenced two Romanian trafficking defendants to 12 years imprisonment and denied them the right to bail while their cases are on appeal. In February 2007, the Felony Court of Athens sentenced a Nigerian defendant to 19 years imprisonment and denied his request for bail pending appeal. In April 2007, the Appeals Court of Athens sentenced a Greek trafficker to ten years imprisonment and 9,500 euro fine on trafficking

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charges.

-- G. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking? Specify whether NGOs, international organizations, and/or the USG provide specialized training for host government officials.

-- The Ministry of Public Order has included anti-trafficking training at all police academies. As a consequence, police personnel at all levels regularly receive specialized training on the issue. Training seminars are regularly conducted in cooperation with the International Pol, and NGOs and cover 30ecutors, justices and heaQ two years in the frQ project (2006 and 2007) and formed a "national team of trainers." The trainers' team conducts specialized training seminars.

Specific training examples:

-- The Ministry of Public Order held a second experts conference in May 2007 on the "Ilaeira" initiative to combat trafficking in human beings in Athens. The Conference, the scope of which was to further improve trans-border police cooperation in bilateral and multilateral level, was attended by police personnel from 20 countries and four international bodies (EUROPOL, EUROJUST, FRONTEX, INTERPOL). The MPO's ILAEIRA project targets prosecutors, law enforcement officials, and NGOs, in addition to police task forces. A regional "Ilaeira" trans-border map exercise took place in the northern city of Komotini (Thrace) in April 2007.

-- As part of the National Action Plan to Confront Trafficking in Persons, the Union of Public Prosecutors in Greece, IOM and the Foreign Ministry held a second two-day conference in November 2007. The conference entitled "The Combating of Human Trafficking" was financed by the MFA Hellenic Aid Division. The scope of the conference was to train Prosecutors in applying the protections guaranteed to victims under the anti-trafficking legislation. With this second seminar, all prosecutors in Greece (a total of 400 persons) have received anti-trafficking training.

-- As part of the National Action Plan to Confront Trafficking in Persons, the Genders' Equality General Secretariat and the IOM conducted a three-day seminar in Ioannina, Northern Greece, on "training Greek agencies for the confrontation of human trafficking."

-- H. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, can post provide the number of cooperative international investigations on trafficking during the reporting period?

-- Greece is a leader in promoting increased regional law enforcement cooperation. (See also Part 1, Question B.) During the reporting period, Greek police force continued taking part in EUROPOL, INTERPOL, SECI, Black Sea Initiative, and other international organs meeting and conferences. Greek police have good ongoing bilateral cooperation with neighboring countries' police forces. Police personnel from Albania, Macedonia and Bulgaria meet regularly and whenever an issue rises to coordinate passport controls, to police non-controlled border areas in order to combat illegal immigration and to combat illegal trafficking in persons, narcotics and arms. The Police have liaison police personnel residing in Italy, Bulgaria, Cyprus, Turkey, Albania, Russia, Ukraine, Macedonia, Croatia, Bosnia-Herzegovina, Serbia-Montenegro, Romania and Lebanon to further enhance police cooperation.

-- The Southeast European Cooperative Initiative (SECI) hosted a regional meeting on October 4 2006 in Kastoria (northwest Greece) to

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discuss the state of play and cooperation among participating states on Trafficking in Persons (TIP) and illegal migration. Representatives of SECI and of the Ministries of Interior and Prosecutors' Offices from Albania, Bulgaria, the Republic of Macedonia, Greece and Turkey attended the meeting. The participants agreed that TIP and illegal migration have become more sophisticated within the past few years throughout the region and that SECI states must continue to develop more active and efficient cooperation. Current cooperation includes the exchange of information via contacts established at SECI Center, periodic meetings between member states and SECI coordination of international investigation cases linked to TIP and illegal migration. On April 11-13, 2007 a two-day training seminar took place in the (eastern) border city of Alexandroupolis, entitled "Transborder Law Enforcement Cooperation: Trafficking in Persons, Illegal Migration, Trafficking in Narcotics." The seminar was jointly hosted by the U.S. Consulate General and the Thessaloniki Office of the Stability Pact, supported by SECI and facilitated by the IOM Mission in Greece and the Secretariat General for Eastern Macedonia and Thrace. At present, a

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conference on Transborder Cooperation is being planned for April 17-18, 2008 in the (western) border town of Florina. It is a joint effort of the U.S. Consulate General and SECI, and aims to cover the issues of Law Enforcement Cooperation, Trafficking in Persons and Weapons Smuggling.

-- I. Does the government extradite persons who are charged with trafficking in other countries? If so, can post provide the number of traffickers extradited during the reporting period? Does the government extradite its own nationals charged with such offenses? If not, is the government prohibited by law from extraditing its own nationals? If so, what is the government doing to modify its laws to permit the extradition of its own nationals?

--The Greek Government can extradite persons charged with trafficking to other countries, however we have no information on such extraditions. Greek citizens can be extradited to EU countries that are parties to the "EU arrest warrant," but are protected from extradition to certain countries. For example, Greek nationals are protected from extradition to the U.S. based on article 8 of the 1931 extradition treaty.

-- J. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

There is no evidence of government involvement in trafficking on an institutional level. NGOs and the media report that some local police take bribes or free sex services from traffickers, patronize establishments implicated in TIP, or ignore the problem. Anecdotal reports support this phenomenon. There were accusations made by an NGO of corruption at a Greek consulate in Russia because it had issued legitimate visas to TIP victims with little documentary evidence and no personal interview, either of which might have uncovered misrepresentations on the visa applications. (Note: Not all Russian applicants are asked to travel to Moscow for interviews. End Note.) Likewise, there were press reports that a Greek Consul General in Albania was removed from his position on the basis of charges that he issued visas to trafficking victims for a fee. We have been unable to substantiate either allegation, although MFA contacts assure us the allegations are being investigated.

-- K. If government officials are involved in trafficking, what steps has the government taken to end such participation? Please indicate the number of government officials investigated and prosecuted for involvement in trafficking or trafficking-related corruption during the reporting period. Have any been convicted? What sentence(s) was imposed? Please specify if officials received suspended sentences, were given a fine, fired, or reassigned to another position within the government as punishment. Please provide specific numbers, if available. Please indicate the number of convicted officials that received suspended sentences or received only a fine as punishment.

We are aware of no government officials being involved in trafficking, and the GoG told us there are no such cases.

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-- L. As part of the new requirements of the 2005 TVPRA, for countries that contribute troops to international peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engage in or facilitate severe forms of trafficking or who exploit victims of such trafficking.

There were no reported incidents or investigations of Greek soldiers deployed to peacekeeping missions engaged in, facilitating, or exploiting victims of trafficking.

-- M. If the country has an identified child sex tourism problem (as source or destination), how many foreign pedophiles has the government prosecuted or deported/extradited to their country of origin? What are the countries of origin for sex tourists? Do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act)? If so, how many of the country's nationals have been prosecuted and/or convicted under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

-- Article 323 B of the Greek Penal Code was modified to conform with the optional protocol of the UN Convention (54263/25/00) on the Rights of the Child referring to trafficking of children, child prostitution and child pornography. This and other provisions of law 2101/92 make explicit reference to combating sex tourism.

Despite a suggestion by the UN special rapporteur on the sale of children, child prostitution, and child pornography for the government to appoint a lead person on children's issues, the government has not yet done so. There have been no improvements to the institutional capacity for protecting unaccompanied minors or street children. The government has not submitted to parliament for ratification the pending bilateral child repatriation agreement with Albania. There have been repeated calls for the state to take specific measures: an advisory board of civil society and public authorities to coordinate children's policies as well as the creation of a joint Greek-Albanian commission to investigate the "disappearances" from a children's institution from 1998 to 2003 have not been addressed.

The Police Division for Internet Crime dismantled 128 networks dealing in child pornography through the Internet in the period between July 2004 and November 2007. They arrested 42 citizens identified as members of networks and charged them with buying and selling child pornographic materials. Charges against 85 other persons have been submitted and are pending in the courts. The country does not have legislation punishing possession and circulation (without selling) of pedophilic materials. New legislation punishing possession and circulation of such materials has been submitted to the Parliament and is expected to pass by January 2008.

Greece 2008 TIP Report Submission Continued Septel.